

State Affairs

(Continued)

by reduction of fees to licensed professions, the Executive explained.

His latter director is James F. Collins of Long Beach, head of the Professional and Vocational Standards Department. John R. Quinn, whom candidate for the mayorship of Los Angeles, was receiving \$5000 as chairman of the Veterans' Welfare Board. When he became director of Veterans' and Military Affairs and procured his seat on the Council he was given a \$1000 boost in salary. The chiefs of the divisions in the Investment Regulation Department rotate in the directorship without increase of pay. They are heads of the banking, insurance, building and loan, real estate and corporation offices, all of long standing. Director of Penology James Johnston receives \$3600, as he did when merely chairman of the State Crime Commission.

There were increases, too, resulting from re-organization when Governor Young took office, he declared. These were necessary, he explained, but at increased cost of but \$7500 for 11 Councilmen, and annual salaries of \$6000 each for two others—Collins and Fred G. Stevenot, director of the Department of Natural Resources, Councilman & Director of Resources Stevenot "is effecting economies many times his salary in his work in oil and gas conservation."

Salary increases of \$1000 each were given in 1927, for directors of agriculture (Hecke), and institutions (Jensen); the public health (Dickie) biller pay was raised from \$4500 to \$6000; social welfare (Saylor) from \$3000 to \$4000. A \$10,000 a year Director of Finance (Heron) was created without additional expenditure by replacing a board of control member with the State Controller (Riley), ex-officio. A \$10,000 Director of Public Works (Meek) was named, with a salary of \$800, the Governor added, through abolition of salaries of three highway directors.

His first clash of arms in an impending political campaign over Governor Young's case back and forth for reverberations, for the replies and counter challenges of his accusers. But as the week drew to a close he had received no answer. Apparently his opponents either: (1) acquiesced in explanation; (2) ignored it completely; and still maintained their earlier charges, or (3) they were amassing new data for a more concerted, a more complete attack on the Governor's administration.

The Government

Buſter Convicts

When criminals in California prisons have nothing to do, when they have nothing to occupy their minds and hands, they turn to corrupting the young and less-hardened convicts, to hatching devilry of nefarious sorts. Always a burden to the State, their idleness breeds crime, the State no returns. Prison riots, revolts such as the great Folsom Prison riot of Thanksgiving Day, 1927, have been attributed as the direct result of discontent bred by idleness. Should the State provide work for all convicts, it would alleviate these conditions, and bring a small return which would partly offset the great and increasing expense of incarcerating its criminals and misfits.

So thought the 1929 Legislature when it provided for the creation of a joint Senate-Assembly committee to study the problem of idleness in the State's prisons and to prepare a program under which every convict could be put to work. To chairman this Prison Labor Commission, Assembly Speaker Levey and Lieut.-Governor Carnahan (President of the Senate) last month appointed Assistant Attorney Chester M. Kline of San Jacinto, long active in legislative crime measures. To serve also on this committee, the officials appointed: Senator Tom Maloney, San Francisco labor leader; Senator C. W. Baker, Salinas, chairman for the last two sessions of the Legislature of the Senate Committee on Crime; Assemblyman A. H. Morgan, Jr., and Harold C. Cloudman, both of Alameda County.

Last week the Prison Labor Commission will meet at Los Angeles, in the Chamber of Commerce building, there to conduct a hearing, to thrash out the problem of making convicts busier, less idle.

Said Assemblyman Kline last week, in announcing the meeting: "A shocking situation exists in California's State prisons. Less than half the prisoners are working. The remainder are spending their time in idleness, corrupting young and less-hardened convicts and hatching

devilry of every sort. A visit the committee on three was a revelation. Folsom revealed that two-thirds of the inmates are without work . . . that less than 20 per cent do an adequate day's work . . . the committee hopes, by the time the legislature meets (in 1930) to have formed a definite program whereby every convict will have work industrial or agricultural."

Public Lands Board

When eleven governors and the personal representatives of the chief executives of five other western public-lands states met last September at Salt Lake City to discuss matters of conservation and reclamation of the public domain, they heard Assistant Secretary of the Interior Dixon read a letter from President Hoover, in which the Chief Executive proposed to appoint a commission to study, probe and investigate the advisability of transferring control of the public lands from the Federal government to the states (News Review, Sept. 2-8).

Last week President Hoover, on the day his departure to Cleveland, to Detroit, their midwestern centers, on a speech-and-dedication junket, took time to announce the appointment of twelve members of the commission, to designate its chairman.

As chairman, President Hoover named James R. Garfield, of Cleveland, son of the martyred U. S. President, Secretary of the Interior in the Roosevelt administration and leader at that time of the conservation movement, whom winter resident of South Pasadena, where, until her death a few years ago, lived the mother of Garfield. To represent California, the President appointed Dr. Elwood Mead, chief of the U. S. Reclamation Service and chief engineer in charge of Boulder Dam construction. No longer in California, Mead was selected by the Governor to represent California for he spent many a year within her borders as a member of the faculty of the University of California, at Berkeley, the country of his institutions and practice of irrigation at the university from 1898 to 1907, and again served at the institution as professor of rural institutions for several years before his appointment, in 1924, by President Coolidge as Federal Commissioner of Reclamation.

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Nine Farmers

Kept locked up in a steel cabinet in Governor Young's office is a bookkeeper's journal. In this journal are listed some 100 State jobs awaiting gubernatorial appointment; together with some 1,000 applicants for the positions. When the appointments have been made, the "accounts" are closed, at least until the next year, when a cause occurs from some other cause. This is Governor Young's policy. This method of keeping books on politics.

Newspapermen are not allowed free access to the Public Journal, although, a few questions are popped at morning conferences. Governor Young occasionally reads a chapter to the assembled correspondents.

At the newspaper conference last Saturday morning the Governor Young brought forth from his steel cabinet the Public Journal, read from

it the names of nine farmers, thus announced the personnel of the new State Board, headed by the creation of which was a stormy petrel in the 1929 Legislature (News Review, Oct. 21-27).

The Legislative Act creating the board provides that no more than one member shall be appointed from any one Congressional District or from any county; and further provides that each member shall represent a distinct branch of agricultural industry. The Governor, thus limited by the Legislature, and with six members to select, chose six of them from Southern California.

The Southern California appointees, and the Congressional Districts and agricultural industries represented: Robert A. Condee, of Chino, San Bernardino County, president of the State Fair Board, head of the California Junior Republic (agricultural school for boys), the Governor appointed as a member at large, and president of the board.

Frank T. Elliot, of Cutler, Tulare County, representing the grape industry and Congressional District, of which only Kern County is included of the southern counties.

A. C. Hardison, of Santa Paula, Ventura County, and representing the Elgin County District, in which are included Santa Barbara, Santa Barbara and Ventura counties. A director of the California Fruit Growers' Exchange and a former president of the California Farm Bureau Federation, he was selected by the Governor to represent walnuts and citrus fruits on the board.

Merritt H. Adamson, founder of the Adohr Stock Farms at Van Nuys, the world's largest certified dairy in the U. S., the Governor appointed to represent the dairy industry, and Congressional Districts Nine and Ten, both in Los Angeles County.

A. B. Miller, of Fontana, San Bernardino County, was chosen to represent the vast territory of Congressional District Eleven. Owner of one of the most extensive hog and beef feeding establishments in the county, Governor Young selected him to represent swine and beef cattle.

None of the appointees will receive State salaries. Said the Governor in announcing his appointments: "I have exercised more than ordinary care in the appointments I have made to this State Board of Agriculture, since I have been exceedingly anxious that it shall be fairly representative of the whole State, and of all our agricultural interests. It is no surprise to me that such a group of men. California has many agriculturalists who are worthy of a place on the board, but a large number of these are necessarily eliminated by the language of the act, which permits no more than one member from any Congressional District, county, or specific agricultural activity."

Hide-Outs Return

To encourage holders of bonds, stocks, other intangibles to declare their securities for tax purposes, the 1929 Legislature revised and lowered the State's levy on bonds, stocks and other intangibles to two mills; the tax on solvent credits to one mill.

While some Legislators were skeptical, some optimistic as to the probable success of a new tax provision, not so was State Controller Ray L. Riley. He was neither; he would wait until the first returns were in, then he would know whether to be skeptical or whether to be optimistic.

Last week, Controller Riley checked over first returns under the new law, and was optimistic, for he discovered that intangibles, securities and cash money—the two forms of wealth that in bygone days "hid out" to escape a high rate of taxation—were definitely out in the open this year, that they were paying their share toward the upkeep of government. More and more "intangibles" reported for taxation this year, Riley found, reached a grand total of \$1,522,193,045, as compared with \$98,709,370 for the preceding year—a jump of \$1,423,483,675. This represents a tremendous gain of 1440 per cent in the first year after adoption of the more lenient tax law.

The following items were reported this year from 10 southern counties in stocks, bonds, notes, etc.: Los Angeles, \$633,922,685; San Luis Obispo, \$2,510,550; Santa Barbara, \$44,854,589; Ventura, \$10,235,093; Kern, \$1,260,325; San Bernardino, \$2,746,800; Monterey, \$1,411,610; Riverside, \$1,801,330; San Diego, \$11,888,837; Imperial, none. Smaller amounts were also reported under "solvent credits" and "taxable money."

Heretofore both money and intangibles were taxed at the local county rates, and the money retained by the counties. Under the new law, with its state-wide one and two mill rates, collections will

be divided by the counties as follows: Reported within the city limits: One-third to the city, one-third to the school districts, and one-third to the counties. Reported outside city limits: One-half to the school districts and one-half to the counties.

Doubled, in 20 Years

As everyone knows, California's development and progress has been phenomenal, amazing. To the native (ten year's residence), the average "unusual" account of land booms, of agricultural bounty, of manufacturing enterprise no longer serves to amaze, to startle.

Yet last week not a few jaws dropped, eyes dilated when their possessors read State Controller Riley's report on the actual value of property improvements in California for the past 20 years. Reason: Riley's report showed that California is doubling in value every 20 years; that if the State were "for sale" today a conservative price, based on 1929 values, would be \$18,500,000,000, or an increase of more than 5 per cent over the value of last year; that some 20 years hence, at the present rate of growth, the price will have shot up to between \$36,000,000,000 and \$40,000,000,000.

Said Riley: "We have our temporary ups and downs, our over-production problems, our water shortage problems and our business problems but, anxious, studying the general trend, watching the mounting values from practically every section of the State, could not be anything but optimistic about California's future. Her growth has been constant and rapid; it shows no sign of diminishing."

Supreme Court Decisions

The State Supreme Court, solemnly assembled last week in Sacramento, handed down two decisions of more than passing import. The cases, the decisions: *Alward vs. Johnson*, in which the court upheld the right to tax contract carriers of U. S. mail and thus averted a loss of approximately \$50,000 annually to the State government.

Lealie T. Alward, Redding stage contract operator, vs. State Treasurer Charles G. Johnson for recovery of \$2,978.78 in protested tax payments on his mail contract with the U. S. government. Over-riding Alward's contention that taxation of mail carriers is unconstitutional, and that as a Federal agency, the court ruled that "mere contracts of a private citizen with the United States do not make them government agencies," that stage and other contract carriers are not exempt from taxation under the State transportation tax of 4% per cent on their gross receipts.

Significance: The third suit, had the decision gone against the State, might have involved railroad mail carriers, according to the State Board of Equalization, and inability to fix stage mail carriers would have caused an immediate loss of \$50,000 yearly.

Leo Pat Kelly, precedent-establishing was the Supreme Court's decision in directing the trial court to modify its judgment without a new trial in the case of Leo Pat Kelly, so-called "butcher-boy" slayer of his middle-aged, society-matron paramour, Mrs. Myrtle Melius of Los Angeles.

The court in making its decision, invoked a hitherto unused section of the Penal Code as amended in 1929 and notified the Superior Court of Los Angeles County, where Kelly was convicted and sentenced to be hanged, to return a judgment against the defendant finding him guilty of manslaughter and to pronounce judgment upon him as prescribed by law.

"The verdict of the trial jury was just," the decision reads, there was no question in the mind of the court regarding Kelly's guilt, but the higher tribunal, in reviewing the case, found "There was nothing in the evidence to show malice aforethought in the slaying," and therefore, Kelly was not guilty of murder in the first degree.

Significance: Instead of directing the trial court to proceed with a new trial, the decision directs the court to modify and re-sentence Kelly without re-hearing of evidence. The first time in the annals of criminal jurisprudence in the State that such action was taken, the decision occasioned widespread comment in the legal profession as soon as it became known.

Fire Prevention

The State Department of Natural Resources last year surveyed the fire losses of 1928, decided "an ounce of prevention was worth a pound of cure"; employed additional trained wardens, supervisors, purchased more adequate fire-fighting apparatus.

Result: A decrease of more than \$1,000,000 in the amount of fire losses; characterized as the "most spectacular showing in fire prevention

in the history of the Division of Forestry." Reported during 1928, the State of California's fire losses amounted to \$1,773,000. During the first nine months of 1929 total damages aggregated only \$590,706.

Grain and hay losses this year were much below those of 1928. During 1929, 397 acres burnt, causing damages of \$38,561. In 1928, 22,756 acres were destroyed, \$740,633 lost. This year's timber losses, range losses, and value of improvements destroyed were all far below the previous years.

Prohibition

Pay-As-You-Enter

Eminent educators, circumspect clubwomen, fervid politicians seek an outlet for their public-spiritedness, usually alight on prohibition; add their timeworn suggestions for more effective enforcement; seldom original, but pertinent, usually im-
Last week Dean Justin Miller of the University of Southern California law school, his diagnosis to the problem of prohibition in the American Bar Association's section of criminal law and criminology, in session in Tennessee, what he believed would simplify liquor violations; advised the application of scientific annotations on crime.

Lawyer-Dean Miller's solution. A "cafeteria court" for bootleggers, on the pay-as-you-enter system; the treatment of prohibition violations as lesser offenses. Miller with the dignity with which a liquor violation is treated, he believes that the average liquor violator should pay-as-he-enters. Like the society smuggler, the dishonest income tax payer, the Eighteenth Amendment violator should be summarily sent a bill, to settle up. "Go ahead and there is now about alcoholic infractions."

Of prohibition itself, Dean Miller expounded thus: "Prohibitionists without writing a law into the Constitution, they could make the law respected, they could simply caused a loss of respect for the Constitution. . . . Local opinion, with sentiment behind it, succeeds without any loss of respect for the law of the land. Not so with national prohibition."

His opinions on prohibition pronounced, his remedy promulgated, Criminologist Miller turned to fully made several surprising proposals. He would rebuild the entire system of criminal law, would apply science in an attempt to solve the crime problem. Re-stated would be all criminal laws, re-defined all offenses.

Trial by jury would be used only for murder, burglary, other major crimes. Second class offenses would be handled by the judge alone; less serious infractions, liquor violations included, would be conducted on a "cafeteria" basis.

No patience has Dean Miller with the unrestrained passage of so many new laws. He takes exception to legislative interest in morals, believes the church should look after moral control.

As doctor quarantines an infected diseased area, so should the government quarantine, isolate, and treat an infected criminal area. No opportunity should be afforded the young, impressionable, susceptible to "catch burglary," similar maladies.

Alcoholic?

Last week was suggested another reason, not but alcoholic, for the popularity of the Los Angeles Municipal Golf Course in Griffith Park.

In the past, golfers were frequently observed to glance furtively about them, dart behind bushes; evidently no quest for an elusive ball. Detectives observed strange phenomena, many times reported; eventually traced suspected liquor-retailing caddies to an old adobe house not far from the course, now occupied by Foreman Walter Kretzschmar of the city park department.

Last week a vice division squad raided the ancient dwelling, which Pioneer-General Fremont once occupied; arrested alleged Liquor-Ring-leader Kretzschmar, confiscated one rotten barrel of wine, four six-10-gallon barrels of one five-gallon and six one-gallon bottles of the same, ten gallons of whisky, one quart of cognac.

Kretzschmar's evident plan of procedure: he dispensed liquor at cut prices to caddies, afterwards retailed by them to thirsty park